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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,496	11/06/2003	Yutaka Tosaki	Q78309	7626
23373	7590	05/12/2006		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER ZIRKER, DANIEL R	
			ART UNIT 1771	PAPER NUMBER

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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051006

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Commissioner for Patents

The Examiner notes that in SN 10/701496 the PTO received after Notice of Allowance but before the payment of the issue fee an IDS which cites US 5,571,617. This, of course, requires a Rule 1.97(e) certification. The certification provided states that the item of information was "first cited in "a" (instead of "any" as required by Rule 1.97(e)) communication from a foreign patent office....". As such it is clear that applicants have not properly certified the presented reference and accordingly it will not be considered.

Daniel Zirker
Primary Examiner
Art Unit: 1771